

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 10, 1998

DIVISION ONE

B119032 People
 v.
 James Edward H.

Filed order denying petition for rehearing.

DIVISION TWO

B121989 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Rebecca D.

The judgment terminating parental rights is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.
 Zebrowski, J.

B113000 Highlands Insurance Company (Not for Publication)
 v.
 McFarland Energy, Inc.
 Century Indemnity Company

The judgment is affirmed. The parties shall bear their own costs.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B113165 Gallagher (Not for Publication)
 v.
 Minorini, et al.

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

B110015 People (Not for Publication)
 v.
 Alberto Alvarado and Saul Morales

The judgments are affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

B118670 People (Not for Publication)
 v.
 Belton

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

DIVISION TWO (Continued)

B111819 Mosler & Co. (Not for Publication)
 v.
 County of Los Angeles

Those portions of the orders entered on March 31, 1997, and June 12, 1997, awarding Mosler attorney fees in the amounts of \$55,420 and \$3,120, respectively, are reversed. That portion of the order entered on March 31, 1997, awarding Mosler prejudgment interest of \$8,256.16 is affirmed. The parties shall bear their own costs on appeal.

Fukuto, Acting P.J.

We concur: Nott, J.
 Zebrowski, J.

B118219 People (Not for Publication)
 v.
 Singh

The judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting that separate \$200 restitution fines were imposed pursuant to sections 1202.4 and 1202.45 and to forward the amended abstract to the appropriate correctional authorities.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B107939 Nelson v. So. California Edison
B117882 People v. Helo
B117526 People v. Mendez-Marcos
B114263 People v. Brambilia
B118655 People v. Carr
B112108 People v. Martinez
B121247 Dept. of Children & Family Services v. John N.
B122288 Dept. of Children & Family Services v. Beverly E.

Argument waived, cause submitted.

B121934 Efraim
 v.
 Total Health Connection

Merits:

Argued by William H. Dailey for appellant. Argument waived by respondent. Cause submitted.

B118120 Rashti
 v.
 Kluger

Merits:

Argued by Joel Ward for appellant and by Emanuel Barling, Jr., for respondent. Cause submitted.

B117322 DHL Airways
 v.
 Sanders, et al.

Merits:

Argued by Kevin Gerry for appellant and by Tyrone R. Childress for respondent. Cause submitted.

DIVISION THREE (Continued)

B112177 People
 v.
 Cardenas

Merits:

Argued by Ralph H. Goldsen for appellant and by Mitchell Keiter, deputy attorney general for respondent. Cause submitted.

B113411 Bell
 v.
 L.A. County Civil Service Commission

Merits:

Argued by James M. Simmons for appellant and by Monica Mauricette, deputy county counsel for respondent. Cause submitted.

B108129 Cruz
 v.
 Briseno

Merits:

Argued by Thomas J. Milhaupt for appellant and by Steven J. Renick for respondent. Cause submitted.

B095352 City Of Los Angeles
B092240 v.
 Burbank-Glendale-Pasadena Airport

Merits:

Argued by William Waterhouse, deputy city attorney for appellant and by Richard K. Simon for respondent. Cause submitted.

DIVISION THREE (Continued)

Court recessed at 12:10 P.M.

Court reconvened at 1:30 P.M.

B117050 Teachers Insurance & Annuity Assoc.
 v.
 Furlotti

Merits:

Argued by Cory Klein for appellant and by Rebecca Gundzik for respondent. Cause submitted.

B115295 Kheres
 v.
 Binman

Merits:

Argued by Joseph F. Hart for appellant and by Ernest S. Gould for respondent. Cause submitted.

B120857 Health Systems International, Inc.
 v.
 Medaphis Corporation, et al.

Merits:

Argued by Diann H. Kim for appellant and by James H. Schropp for respondent. Cause submitted.

Court adjourned at 2:55 P.M.

DIVISION THREE (Continued)

B113590 People (Not for Publication)
v.
Egbert Webb Moore

The judgment is modified by striking the trial court's true finding that appellant suffered an Ohio robbery conviction in case No. CR177297 which was a qualifying prior felony conviction under the Three Strikes law, and by striking the Penal Code section 667.5, subdivision (b), enhancements; as modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy thereof to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B112325 People (Not for Publication)
v.
Luis Miranda

The order under review is reversed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B111480 People (Not for Publication)
v.
Sait I.

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B112380 People (Not for Publication)
v.
Philbert Richard Stevens

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B113751 People (Not for Publication)
v.
Paul Walter V.

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B116342 People (Not for Publication)
v.
Ineka Laqunia E.

The order under review is affirmed, except that the true finding as to the Penal Code section 12022.7, subdivision (a), enhancement allegation pertaining to the determination that appellant committed aggravated mayhem (count one) is stricken. The juvenile court is directed to prepare an amended abstract of judgment reflecting the striking of that true finding, and is further directed to forward a copy of the amended abstract of judgment to the appropriate authorities.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B119277 Fabideh Kangavari (Not for Publication)
v.
Albert Yashouafar

The judgment on reserved issues is amended in part to delete the portion which ordered husband to execute a deed of trust in favor of wife against husband's separate property interest in the Linda Vista real property and purported to restrict his right to otherwise encumber his interest in such property. In all other respects, the judgment is affirmed. Husband shall bear his own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B119239 Nasr Gergis (Not for Publication)
v.
Los Angeles County Employees' Retirement Association, etc.

The judgment of the trial court is affirmed. Costs on appeal to the County.

Croskey, Acting P.J.

We concur: Aldrich, J.

B114337 Ramesh Bajaria (Not for Publication)
v.
Mary Nakano

The order granting defendant's motion to disqualify the Finer attorneys is reversed. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B113372 Jo Ann Cook Parker (Not for Publication)
 v.
 Wesley Johnson

The order from which defendant has appealed is affirmed. Costs on appeal to plaintiff.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B116566 Continuations, Inc. (Not for Publication)
 v.
 Sellway Trading, Inc.

The order of dismissal is affirmed. Costs on appeal to Sellway.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B115726 Virginia Brecht, etc., et al. (Not for Publication)
 v.
 Racquetball World., et al.

The summary judgment is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiffs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B112651 People (Not for Publication)
v.
Maynard and Maynard

The judgments are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B118979 People (Not for Publication)
v.
Morgan

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect the \$200 restitution fine.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B118292 People (Not for Publication)
v.
Graham

The judgment is modified to reflect that defendant Christopher M. Graham has been fined \$400 pursuant to section 1202.45 and \$600 pursuant to section 1464, subdivision (a). The clerk of the superior court is ordered upon issuance of the remittitur to prepare and forward to the Department of Corrections a corrected abstract of judgment reflecting: (1) pursuant to section 1202.4, subdivision (b), a \$400 fine has been imposed; (2) pursuant to section 1202.45, an additional \$400 fine has been imposed; (3) pursuant to section 1464, subdivision (a), a \$600 penalty assessment has been imposed; and (4) pursuant to section 290.3, a \$200 fine has been imposed. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B112464 Edward Guy (Not for Publication)
 v.
 Diane Colbert

The order denying the request to modify child support is affirmed. The appeal from the order denying the motion for reconsideration is dismissed. Respondent Diane Colbert is awarded her costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B113099 Paul Bynum, et al. (Not for Publication)
 v.
 Wells Fargo Bank

The judgment is affirmed. Respondent Wells Bank is awarded its costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B114184 Gordon Nelson (Not for Publication)
 v.
 Mountains Restoration Trust, etc., et al.

The appeal is dismissed. Respondents Lewis and Tellefson to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B120415 Isidro S. Garcia (Not for Publication)
v.
Egal Levation, et al.

The judgment is affirmed. Each side to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
Armstrong, J.

B120642 Creditors' House (Not for Publication)
v.
Jonathan Louis International Ltd., Inc.

The appeal is dismissed. Creditors' House's request for sanctions is denied. Creditors' House and SCIF are to recover their costs on appeal from Jonathan Louis.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B120343 Los Angeles County, D.C.S. (Not for Publication)
v.
Glenda W.

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
Godoy Perez, J.

November 10, 1998-Continued

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B121024 Zone Hobson (Not for Publication)
v.
Northrop Grumman Corporation

The judgment is affirmed. Respondent Northrop Grumman Corporation is awarded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B121117 People (Not for Publication)
v.
Roderick Ladale English

The attempted robbery sentence is stayed pursuant to Penal Code section 654. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

[illegible]

The judgment (order of wardship) is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B120608 People (Not for Publication)
v.
Theodis Thompson

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B122035 Los Angeles County, D.C.S. (Not for Publication)
v.
Lillian S.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

November 10, 1998-Continued

DIVISION FIVE (Continued)

B118393 People (Not for Publication)
v.
Lee Anthony Outlaw

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SEVEN

B120612 People (Not for Publication)
v.
Romero

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B117348 People v. Whalem (Not for Publication)

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B124891 John M. and Jeanie M. (Not for Publication)

v.

Los Angeles County, D.C.S.

In re John M. and Jeanie M., minors

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B116789 Kaelin (Not for Publication)

v.

Globe Communications

The order is affirmed. Respondent is awarded costs of appeal.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B114288 Tavitian (Not for Publication)

v.

Curaflex, Inc.

The judgment is modified to strike the punitive damage award. In all other respects, the judgment is affirmed. Appellants to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

DIVISION SEVEN (Continued)

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The judgment is modified to provide that appellant is to pay restitution fines of \$1,000 under both Penal Code sections 1202.4 and 1202.45. The restitution fine ordered pursuant to Penal Code section 1202.45 is suspended until such time as appellant is committed to state prison after a violation of parole. The superior court shall cause its clerk to send the California Department of Corrections an amended abstract of judgment showing the modification to the judgment.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B110463 People
v.
Chen

Filed order denying appellant's pro se petition for rehearing.